

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

Your Committee on **Roads and Transportation**, to which was referred House Bill 1226, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT concerning motor vehicles.
- 3 Delete everything after the enacting clause and insert the following:
- 4 SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.41-2006,
- 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2008]: Sec. 42. (a) "Dealer" means, except as otherwise
- 7 provided in this section, a person who sells to the general public,
- 8 including a person who sells directly by the Internet or other computer
- 9 network, at least twelve (12) vehicles each year for delivery in Indiana.
- 10 **The term includes a person who sells off-road vehicles.** A dealer
- 11 must have an established place of business that meets the minimum
- 12 standards prescribed by the bureau under rules adopted under
- 13 IC 4-22-2.
- 14 (b) The term does not include the following:
- 15 (1) A receiver, trustee, or other person appointed by or acting
- 16 under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) A person who is a dealer solely because of activities as a transfer dealer.

~~(4) A person who sells off-road vehicles.~~

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft; per year.

SECTION 2. IC 9-13-2-150.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 150.5. "Registered importer" has the meaning set forth in IC 9-17-2-0.5.**

SECTION 3. IC 9-17-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "registered importer" means a person:**

(1) registered as an importer with the National Highway Traffic Safety Administration;

(2) that is a licensed dealer currently in good standing with the state; and

(3) that is a validated member of the United States Department of Homeland Security's Customs-Trade Partnership Against Terrorism (C-TPAT) administered by the United States Customs and Border Protection.

SECTION 4. IC 9-17-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

(1) been in business for not less than five (5) years; and

(2) sold not less than one hundred fifty (150) motor vehicles during the preceding year.

(b) This section does not apply to the following:

(1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.

(2) A motor vehicle or recreational vehicle transferred or assigned

on a certificate of title issued by the bureau.

(3) A motor vehicle that is registered under the International Registration Plan.

(4) A motor vehicle that is titled in a foreign country and imported by a registered importer, if:

(A) the registered importer complies with section 12.5(a) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(5) A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company, if:

(A) the financial institution, lending institution, or insurance company complies with section 12.5(b) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

(1) An employee of a dealer designated by the bureau to perform an inspection.

(2) A military policeman assigned to a military post in Indiana.

(3) A police officer.

(4) A designated employee of the bureau.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

(1) Make a record of inspection upon the application form prepared by the bureau.

(2) Verify the facts set out in the application.

SECTION 5. IC 9-17-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12.5. (a) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in a foreign country and imported by a registered importer without requiring an inspection under section 12(c) of this chapter if the registered importer presents the bureau**

- 1 with the following documentation relating to the motor vehicle:
- 2 (1) A copy of the registered importer's validation agreement
- 3 issued by the United States Customs and Border Protection
- 4 (CBP).
- 5 (2) A copy of the entry summary issued by the United States
- 6 Customs and Border Protection (CBP Form 7501).
- 7 (3) A vehicle history report issued by an independent provider
- 8 of vehicle history information that includes:
- 9 (A) the vehicle's title information;
- 10 (B) the vehicle's odometer readings; and
- 11 (C) the number of owners of the vehicle.
- 12 (b) Except as provided in subsection (d), the bureau may accept
- 13 an application for a certificate of title for a motor vehicle that is
- 14 titled in another state and is in the lawful possession of a financial
- 15 institution, a lending institution, or an insurance company if the
- 16 financial institution, lending institution, or insurance company
- 17 presents the bureau with a vehicle history report issued by an
- 18 independent provider of vehicle history information that includes:
- 19 (1) the motor vehicle's title information;
- 20 (2) the motor vehicle's odometer readings; and
- 21 (3) the number of owners of the motor vehicle.
- 22 (c) A:
- 23 (1) registered importer; or
- 24 (2) financial institution, lending institution, or insurance
- 25 company;
- 26 must maintain a copy of all documentation required by this section
- 27 for at least ten (10) years.
- 28 (d) An inspection of a motor vehicle described in subsection (a)
- 29 or (b) is required under section 12(c) of this chapter if:
- 30 (1) the registered importer; or
- 31 (2) the financial institution, lending institution, or insurance
- 32 company;
- 33 is unable to provide the bureau with the documentation required
- 34 by this section.
- 35 SECTION 6. IC 9-23-2-7, AS AMENDED BY P.L.184-2007,
- 36 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2008]: Sec. 7. (a) Except as provided in subsections (b)
- 38 through (g), the secretary of state shall issue an offsite sales license to

1 a dealer licensed under this chapter who submits an application for the
 2 license not later than ten (10) business days or two (2) calendar weeks
 3 before the offsite sale date. License applications under this section shall
 4 be made public upon the request of any person.

5 (b) The secretary of state may not issue an offsite sales license to a
 6 dealer who does not have an established place of business within
 7 Indiana.

8 (c) The secretary of state may not issue an offsite sales license to a
 9 licensed dealer proposing to conduct the sale outside a radius of twenty
 10 (20) miles from its established place of business. This subsection does
 11 not apply to:

12 (1) new manufactured housing dealers;

13 (2) recreational vehicle dealers; ~~or~~

14 (3) a rental company that is a dealer conducting a sale at a site
 15 within twenty (20) miles of any of its company owned affiliates;

16 **or**

17 **(4) off-road vehicle dealers.**

18 (d) A vehicle display is not considered an offsite sale if it is
 19 conducted by a new vehicle franchised dealer in an open area where no
 20 sales personnel and no sales material are present.

21 (e) The secretary of state may not issue an offsite sales license to a
 22 licensed dealer proposing to conduct the offsite sale for more than ten
 23 (10) calendar days.

24 (f) As used in this subsection, "executive" has the meaning set forth
 25 in IC 36-1-2-5. The secretary of state may not issue an offsite sales
 26 license to a licensed dealer if the dealer does not have authorization
 27 that the offsite sale would be in compliance with local zoning
 28 ordinances or other local ordinances. Authorization under this
 29 subsection may only be obtained from the following:

30 (1) If the offsite sale would be located within the corporate
 31 boundaries of a city or town, the executive of the city or town.

32 (2) If the offsite sale would be located outside the corporate
 33 boundaries of a city or town:

34 (A) except as provided in clause (B), the executive of the
 35 county; or

36 (B) if the city or town exercises zoning jurisdiction under
 37 IC 36-7-4-205(b) over the area where the offsite sale would be
 38 located, the executive of the city or town.

1 (g) The secretary of state may not issue an offsite sales license to a
 2 licensed dealer who has held more than three (3) nonconsecutive
 3 offsite sales in the year ending on the date of the offsite sale for which
 4 the current license application is being submitted.

5 (h) The requirements of section 2(c) of this chapter do not apply to
 6 the application or issuance of an offsite sales license under this section.

7 SECTION 7. IC 9-23-0.5-1 IS REPEALED [EFFECTIVE JULY 1,
 8 2008].

9 SECTION 8. [EFFECTIVE JULY 1, 2008] **(a) Notwithstanding**
 10 **IC 9-13-2-42, as amended by this act, a person who engages in the**
 11 **business of selling at least twelve (12) off-road vehicles to the**
 12 **general public each year for delivery in Indiana whose business**
 13 **name begins with the letters A through L, inclusive, is not required**
 14 **to apply for a dealer's license under IC 9-23-2 with the bureau of**
 15 **motor vehicles until the month in 2009 required by IC 9-23-2-8.**

16 **(b) This SECTION expires December 31, 2009.**

(Reference is to HB 1226 as introduced.)

and when so amended that said bill do pass.

Representative Austin